


APPROVED: Meeting No. 03-95

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 33-94

November 14, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on November 14, 1994, at 7:32 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. Mr. Romer noted that the Human Rights Commission is accepting applications for the annual Equal Employer Opportunity Award which recognizes employers in the community who demonstrate exemplary efforts in furthering human rights and equal opportunity. In addition, applications were also being accepted for the F. Michael Taft Award, named in honor of the City's former Human Rights Commission Chairperson, which honors an individual or organization that has made a contribution to improving the lives of individuals with disabilities. Both awards will be presented at the Martin Luther King, Jr. celebration on January 16, 1995.

2. Mr. Romer announced that within the last 30 days, the City received two applications for residential townhouse developments. He said one development proposed was on Monroe Street, and the other was located off Veirs Drive. Mr. Romer said the process, which

is set forth by ordinance, begins with a review by the Planning Commission who will forward recommendations to the Mayor and Council. The Mayor and Council will hold a public hearing and will have to make an initial decision as to whether the applications fit the standards imposed by the ordinance. If the applications were approved, the matters would be referred back to the Planning Commission.

3. On November 16th, the West End Citizens Association is holding a neighborhood meeting; Recreation and Parks Director Burt Hall is the featured speaker, and the main topic will be issues pertaining to the proposed ice skating facility.

Re: Presentation of Certificate of
Appreciation honoring Cedar
Tree Drum.

Elder of the Drum, Don Neconie, reported on the anniversary celebration and he introduced the tradition dancers who were present in their native outfits. Michael Rose, Cedar Tree Drum founding member, also spoke. The Mayor and Council presented a Certificate of Appreciation to the organization in recognition of their contribution to the community, and for their donation of the five Native American posters hanging in the atrium at City Hall. The posters were presented to the City of Rockville at the First Anniversary Celebration for the Cedar Tree Drum held at Lincoln Park Community Center on April 23, 1994.

Re: Presentation of Gold Medal
Award for Excellence in Parks
and Recreation Management.

Dean Tice, Executive Director of the National Recreation and Parks Association, explained that the Gold Medal Award for Excellence in Parks and Recreation Management has been presented since 1966. He noted that Category IV, in which the City won the Award,

included cities with population ranges between 20,000-50,000, and he said it was the category with the greatest number of cities in the country, and the category which was most competitive. The Gold Medal Award, which is based on improvement in service, continuing program and facility development, future planning, participant involvement, and community acceptance, is considered the highest honor for municipal recreation and parks departments. Steve Edwards, Chairperson of the Recreation and Park Advisory Board expressed appreciation to the Mayor and Council, City Manager and Recreation and Parks staff and he said with the support of everyone, they looked forward to continued success as they addressed new issues and programs for the future. Recreation and Parks Director Burt Hall said the department was honored and grateful to be a recipient of the Gold Medal Award. He then introduced his program supervisors, and he expressed appreciation to the City Manager, his staff, the Public Information Office, and all of the City's other departments.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Barry Kemelhor, 502 Mannakee Street representing the Woodley Gardens Home Owners Association, said the Association met on October 25th and November 1st and unanimously adopted a resolution asking that the City Council instruct staff to remove Welsh Park from the list of perspective sites for the ice arena. Mr. Kemelhor also submitted a petition containing the signatures of 289 residents in the Welsh Park area, who opposed the building of an ice skating arena in Welsh Park.

Mr. Kemelhor then spoke about the confusion created by the inconsistency of house numbers on Mannakee Street, from Route 355 to Route 28. He said that the numeration started at house number 515; jumped to 600 and then reverted back to 502 Mannakee, and that this created problems for delivery persons as well as for emergency response vehicles. He suggested that signs be placed where the house numbers changed to the 600 numeration, to encourage persons to continue on into the next block.

Councilmember Marrinan said that the Mayor and Council had asked the traffic engineer to look into the matter. He said the only solution would be to renumber the entire street, and while he knew this was a highly controversial approach, the individual street signs would not work because there would be too much clutter on the signs, making them difficult to read. Councilmember Dorsey commented that designations indicating a North-South direction could possibly be added to the signs. Mr. Marrinan pointed out that a letter was on its way to Mr. Kemelhor and he said after Mr. Kemelhor had an opportunity to review the letter, staff should address the issue further.

2. Marsha Steinfeld, 10 Monterra Court, on behalf of her neighbors, asked that the Mayor and Council support the proposal for an ice arena at Welsh Park.

3. Alice Kelly, 401 W. Montgomery Avenue, President of the West End Citizens Association, asked for clarification on the Mayor's letter which informed residents that the discussion by the Mayor and Council on the proposed ice rink would be postponed. Mayor Coyle clarified that there was no planned decision on the ice rink concept this evening; however, the Mayor and Council would change the timetable of the proposal.

4. Mary McAndrew, Rockville Dance Theater, said that the Dance Theater

volunteers conducted an annual fundraiser for the Children's Hospital Trauma Unit and over the past 10 years, have raised over \$150,000. Ms. McAndrew then presented a check in the amount of \$10,000, representing proceeds from the 1994 fundraiser, to Howard Silberstein, of Children's Hospital, who explained how the funds helped his organization provide its services.

5. Stan Klein, 7 Lorre Court said that the City should take a more aggressive approach to combat the problem of illegally placed campaign signs, and he suggested that City inspectors put stickers on those signs which were illegally placed.

6. Reverend Mansfield Kaseman, 704 Carter Road commended the City on receiving the Gold Medal Award. Reverend Kaseman then introduced three directors from Community Ministries of Rockville (CMR): Sylvia George (Elderly Ministries Program); Agnes Saenz (Latino Outreach Program); and Bernard Dawson (Chase Shelter). Reverend Kaseman said that the funds the City invested in CMR were well invested, and the programs were working at their maximum; some of which were operating above the projections made last spring. Each director then reported briefly on their programs and distributed written reports. Reverend Kaseman announced that CMR had appointed a new director for Emergency Assistance, and he said he looked forward to introducing the director to the Mayor and Council.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 28-94 (October 10, 1994) were approved, with corrections.

Upon motion of Councilmember Dorsey, duly seconded and passed (with Mayor Coyle due to his absence on 10/17/94), the Minutes of Meeting No. 29-94 (October 17, 1994) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- (A) Rejection of Bid #45-95
To: Nekoosa Contractors, Inc.

For: Regrading of Dogwood Warm-Up Field
- (B) Award of Bid #48-95
To: Gardiner Equipment Co., Inc.
Of: Waldorf, Md
In the amount of: \$38,198

For: Purchase of one John Deere
loader/backhoe
- (C) Award of Bid #15805
To: Genstar Stone Product Company
Of: Hunt Valley, Maryland
In the amount of an additional \$18,514.75

For: Bituminous concrete
- (D) Award: Authorize State Highway
Administration (SHA) to Award bid on behalf
of City.
To: F.O. Day Co., Inc.
Of: Rockville, Md
In the amount of: \$290,085 for construction
and \$14,505 for SHA Administrative and
Overhead charges. The engineer's estimate is
\$400,000.

For: Water and Sewer Construction in new
Route 28 between Research Boulevard South
and Gude Drive extended.

- (E) Introduction of Ordinance to amend Ordinance Number 14-94 appropriating funds and levying taxes for Fiscal Year 1995.

Each fall, the appropriations ordinance is amended to provide funding for encumbrances which were outstanding at the end of the previous fiscal year. Also included in this year's proposal are funds recently approved for a Historic District grant in the amount of \$2,000. The total amount to be added to the budget by this ordinance is \$234,109.

- (F) Receipt of financial reports summarizing the results of City operations for the period from July 1, 1994, through September 30, 1994.

Re: Approval for participation in the off-site SWM program for quantity control resulting from the resubdivision of a lot into three lots. The developer F. Bagheri proposes to construct two additional single family houses at 301 Baltimore Road in the Rock Creek drainage area. Approval to accept \$12,400 contribution for the off-site SWM fund.

The runoff is conveyed downstream of the existing Maryvale II Storm Water Management facility.

Councilmember Krasnow said the information provided by staff noted that "due to the recent RCI Town Center development which theoretically used about one-third of Maryvale

II's capacity, the facility was approaching complete capacity at 96.6%; however the previous request for regional participation did not increase the runoff in the watershed because the RCI site was already 100% impervious." Ms. Krasnow said that the site was originally impervious and nothing had changed; however, the capacity was increased to 96.6% and she said it seemed we would soon be at a point where capacity was 105%, which would not be a problem because part of the site was, in fact, currently impervious. She asked staff to address why it was shown that RCI was making a contribution when the runoff had not increased what was being held in the Maryvale facility. Civil Engineer, Janette Fearon said that staff was tracking the percentages that drain to the Maryvale facility and when the facility became fully subscribed, they would not continue to use percentages. The reason RCI was referred to because it was on the last agenda and staff wanted to point out that a large part of the capacity for Maryvale was being used by RCI. Overall, when the Mayor and Council approved the waiver for RCI, the runoff in the street was not increased. Ms. Fearon explained that in this case, runoff was being increased because more impervious area was being added than what actually existed now. Ms. Fearon also said the intention was to use the contribution to provide other types of benefits to the watershed, i.e., stream stabilization, wetlands creation, or reforestation. Councilmember Krasnow suggested that staff provide a list of the SWM facilities, what was being waived into them, and which facilities did not increase runoff. Mr. Romer said staff was planning to present all the information requested to the Mayor and Council in an upcoming worksession.

Councilmember Dorsey said as the facilities approached full capacity, the lawns and other surfaces the water traveled across must also be approaching a high capacity. He asked what the options were for directing water so that lawns were not being flooded. Ms.

Fearon said that the City's storm drain systems were designed with capacity to handle runoff in ultimate development situations in order that there would no problems with flooding. She also added that development in the 100 year flood plain was not allowed and therefore, no new development would ever be affected by any runoff. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the participation was approved and the \$12,400 contribution for the off-site SWM fund was accepted.

Re: Approval of projects and funding levels which are to be submitted in a Community Development Block Grant (CDBG) Application to Montgomery County.

The application will be the basis of how the City will use \$346,000 in CDBG funding.

Assistant Chief of Economic Development, Ed Duffy explained that the City was to receive \$346,000 in CDBG funds through its Cooperation Agreement with the County. As a result of the Mayor and Council's public hearing held September 19, 1994, eleven project proposals were received. The proposals were evaluated and recommendations were made for funding the following:

-	Rockville Housing Authority (RHA) Improvements	-	\$81,456
-	RHA Resident Manager Program	-	\$21,500
-	RHA Youth Employment	-	\$ 3,900
-	Community Ministries Elderly Support	-	\$ 7,422
-	Community Ministries Latino Outreach	-	\$ 5,000

-	Community Ministries Relapse Prevention	-	\$ - 0 -
-	Hispanics United for Rockville Training	-	\$21,500
-	Rockville Dept. of Recreation & Parks		
-	(Glenview Mansion Ramp)	-	\$ 9,000
-	(ADA Signage and Reduction)	-	\$20,000
-	(Graffiti Removal)	-	\$10,000
-	Rockville Inspection Services Division		
-	(Single Family Rehab)	-	\$106,222
-	(CDBG Administration)	-	\$60,000

Councilmember Weisbroth noted that the requests before the Mayor and Council totaled more than the amount given to the City and that not all of the projects were fully funded, nor were all projects recommended for funding. She said with the exception of HUR's proposal, all the proposals were specific in nature and it was clear where monies would be spent for concrete activities and projects. HUR's original proposal for \$120,000 which was recommended for funding at \$21,500, generally outlined the creation, development and implementation of training oriented programs; however, Ms. Weisbroth felt their proposal contrasted with other program-oriented proposals which were very specific and clearly for residents needing English language programs. Ms. Weisbroth also commented that the recommended funding level of \$21,500 was also out of context as every other program-oriented funding was under \$10,000. Ms. Weisbroth said that there were other programs, i.e., the Youth Employment Program, which did not get totally funded, that the Mayor and Council should reconsider for additional funding, using some of the monies identified for HUR.

Mr. Romer said that he understood the concern expressed by Ms. Weisbroth, as it followed with the Mayor and Council's theme to look for a new level of accountability and specificity in the general fund Outside Agency request. Referring to staff's recommendation, Mr. Romer pointed out five conditions required, which included quarterly project progress and benefit reports and documented project activities, in which projects submitted for the CDBG program must meet. Mr. Romer also noted that to date, staff had yet to receive an approved plan for the HUR funding.

Mr. Duffy said that the City could approve HUR's submission based upon the activities that staff approved to be undertaken by HUR last year--a community outreach worker to assist Latino residents of the City, who were not comfortable with English and who had to deal with social services and housing related activities. Mr. Duffy said that he had informed HUR Director, Galo Correa, that funding would be contingent upon an outreach worker and that Mr. Correa agreed that the City would rewrite its program goals so that they would be specific to the community outreach worker. Mr. Duffy suggested that the Mayor and Council could approve the submission based on that provision, and he would provide information on the specific program guidelines prior to the application being submitted to the County, or they could table the motion to a future meeting until staff could provide specific program guidelines. He also noted that the City had the ability at any time during the entire course of the contract with Montgomery County to make appropriate transfers to other eligible block grant activities.

Councilmember Krasnow said that she had no doubt HUR was accomplishing a needed purpose; her concern was whether HUR fully understood what the City needed as necessary documentation. She said she was comfortable with going ahead with the proposal

available and reserving the right to make changes if needed. Ms. Krasnow also requested that additional information on Community Ministries' relapse program be provided. Councilmember Marrinan said that the Human Needs and Services Advisory Task Force (HNASATF) would be looking at overall human needs and services in the City, and he asked that the Task Force be aware of the needs for programs provided by the various groups in the City. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Mayor and Council approved the submission of staff's recommendations to Montgomery County as the City's 1996-97 CDBG program, subject to the conditions outlined in staff's proposal.

Re: Discussion and Instructions to Staff: Ice Arena Project.
Mayor and Council will discuss list of tasks to comprise next steps if consideration of proposal to develop an ice skating facility in Rockville is to continue.

Mayor Coyle said that the Council's original date for making a decision on whether to move forward on the concept of an ice rink was November 14. The Mayor and Council had received tremendous pro and con feedback on the proposal and most of the positions were on the idea for having a rink. However, while most people felt this would be a benefit for Rockville and the County, it was clear that RinkSport's proposal for use of the Welsh Park site caused some concern. Councilmember Dorsey proposed that the Mayor and Council remove Welsh Park as a site for consideration. Councilmember Marrinan added that the message he received consistently was that people liked the concept of having an ice facility

in Rockville; however the site for an ice rink should not be Welsh Park, and Mr. Marrinan said that he would not support such a facility in Welsh Park.

Councilmember Weisbroth said as a resident in the community that would be impacted by an ice rink facility in Welsh Park, she was concerned that the Mayor and Council were making a decision without any studies on traffic impacts, or information on the use of the facility.

Councilmember Krasnow said the issue was difficult because of the way the project developed--they had received a presentation on a proposal prior to any discussions on the concept of an ice rink. She said she did not feel that Welsh Park was the right site; the Park was already at capacity in terms of traffic and she did not see how any other use could be added to the Park. She also said the streets were already at capacity because of the traffic generated by Montgomery College. Ms. Krasnow said she was also concerned about removing tennis and handball courts to put up a structure. She said given the proximity to downtown where additional traffic would already be funneled throughout the West End and Woodley Gardens neighborhoods, it also concerned her that some of the City's options for downtown would be cut off by already overloading those streets, and while she agreed that it was difficult to completely eliminate Welsh Park from consideration for an ice rink, she was in favor of removing it from consideration.

Councilmember Dorsey said the issue had gotten everyone's attention and while there was tremendous support for an ice facility concept, he did not think Welsh Park was the appropriate location. He said that even if studies had been done, and an analysis had shown Welsh Park to be attractive for financial, cultural, or other reasons, the emotion associated with

what had transpired so far, would not be easily forgotten and might pollute the future idea of an ice rink in Rockville.

Mayor Coyle agreed with the comments made by the Council and said that Mannakee and Nelson streets were already overburdened with traffic, and even without a traffic study, it was known that there would be several hundred additional cars coming through per day. Upon motion of Councilmember Dorsey, duly seconded and passed, with Councilmember Weisbroth abstaining, Welsh Park was removed from consideration as a site for an ice rink.

Following discussion, the Mayor and Council instructed staff to proceed with:

- identifying the public-private partnership issues to determine who would benefit (prior to proceeding with any site selection issues);
- determining what other options are available for the use of commercial property.
- Since Rockville youth and residents would probably not account for more than 50% of the users, consider exploring an ice facility in conjunction with jurisdictions, i.e., the City of Gaithersburg or Montgomery County;
- address what would happen if another rink in a close neighboring city was also considering a rink;
- what are the revenue benefits to the City of Rockville and what are the impacts on City services;
- how much involvement would the City have with the actual management of a facility.

Staff was asked to focus on these areas before looking at other sites, as well as to obtain additional feedback from the City's citizens association.

Re: Discussion and Instructions to Staff:
Establishment of a Compensation
Commission to periodically review the
compensation of the Mayor and
Council.

Legislation establishing a
Compensation Commission was
introduced in 1992 and a public
hearing was held. The next action
would be adoption of a resolution and
ordinance which would establish the
commission.

Mr. Romer said the concept of a compensation commission was introduced and discussed by previous Mayor and Councils; a public hearing was held in 1992 and then discussions ceased. Mayor Coyle said a process to periodically review compensation levels was needed; however, the decision on any recommendation would still be with the Mayor and Council. Councilmember Marrinan added that the issue came up in his first term and he understood the stipend paid to the Mayor and Council was to be adjusted every seven years. However, he said, it had been ten years since the last time an adjustment to the stipend had been made. He agreed that a process as part of the City's ongoing operation was needed. Mr. Marrinan said those who serve in the role of elected official did not do so for the compensation involved, as it did not come close to addressing what was involved in the elected official's functions. Mr. Marrinan also said that it was important that the compensation never got to a level where people were involved just for the compensation, but that it did cover the costs for those who do serve. Mr. Marrinan also said one of the first issues that needed to be addressed was what other Maryland municipal officials were paid, and he said that establishing a commission would put a process into place so that the issue was addressed objectively.

Councilmember Weisbroth said that she supported the idea because it was a process which was directed by the citizens of Rockville who would make recommendations to the Mayor and Council, who would then make a decision whether to accept the recommendations.

Councilmember Krasnow said that she also supported the formulation of such a commission; pay raises for politicians were unpopular; however, she did not feel that anyone would begrudge the Mayor and Council a pay raise after ten years when they were starting at compensation levels of \$6,000 and \$8,000 respectively, for the Council and the Mayor. Ms. Krasnow said she felt that compensation was at a level which discouraged some people from running for elected offices, because some of the expenses of serving as elected officials were not even covered by the current stipend. Ms. Krasnow noted that no one appeared at the 1992 public hearing on the issue, and she felt that no one would object to forming a citizen-based commission, and she would strongly support the motion. Following discussion, the Mayor and Council agreed with the establishment of a 5-member commission to be appointed to staggered terms of 2, 4, and 6 years. Without objection, staff was directed to proceed with a resolution and an ordinance for the December 12, 1994 General Session.

Re: FYI/Correspondence

1. Councilmember Krasnow commended the City's Wellness Program which was featured in a cover story of the November/December issue of The Maryland Recreation and Parks Association's Highlights.

2. Councilmember Marrinan noted that the Human Needs and Services Advisory Task Force was seeking the community's input in compiling a listing of the most important

human service needs in Rockville. He noted the establishment of a telephone comment line number, 309-3082, and he encouraged residents to call in.

3. Councilmember Marrinan commended the students at The Other Way School who adopted Kinship Park through the City's Keep It Clean program; the students were also completing enhancement projects in the park.

Re: New Business

1. Councilmember Marrinan commented on a public education and awareness effort by local enforcement agencies to make drivers cognizant of the dangers involved in running red lights. Mr. Marrinan said that the Council of Governments Board of Directors also supported the campaign. He made "I Stop For Red Lights" bumper stickers available through local police departments in the Metropolitan area.

2. Mayor Coyle commented on the November 11 Veterans Day ceremony; he said the program was excellent; however it lacked the involvement of local youths. He asked that staff make efforts to get local school clubs involved in future ceremonies. Mayor Coyle also commented on the unveiling of the Gettysburg Monument that took place on November 13 in which he attended along with many other officials around the State.

3. Mayor Coyle encouraged everyone to attend the grand reopening of Congressional Plaza on November 17th.

4. Mayor Coyle commented on the many positive remarks he has received regarding Cable Channel 53 programs.

Re: Next Meeting

The Mayor and Council will hold a public hearing on Monday, November 21, 1994 to consider Street Closure Application 69-94 as part of the Fleet Street project.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:17 p.m., to reconvene again in a Public Hearing at 7:30 p.m. on Monday, November 21, 1994, or at the call of the Mayor.